



Agenda Date: 2/2/00  
Agenda Item: 7D  
Revised 4/10/00

## **STATE OF NEW JERSEY**

### **Board of Public Utilities**

*Two Gateway Center  
Newark, NJ 07102*

#### CABLE TELEVISION

TIME WARNER CABLE, OFFER OF	)	
SETTLEMENT FOR ALLEGED VIOLATION	)	ORDER ACCEPTING
OF A TOLLING ORDER	)	OFFER OF SETTLEMENT
	)	
	)	DOCKET NO. CS00010006

#### SERVICE LIST ATTACHED

#### BY THE BOARD:

After review of Time Warner Cable's (Time Warner), formerly known as Vision Cable TV Company, FCC Form 1205 filing in BPU Docket No. CR95050233, Staff alleged that Time Warner violated a Board Tolling Order issued pursuant to 47 C.F.R. 76.933(a). Time Warner submitted an Offer of Settlement following telephone discussions with Staff regarding the alleged violation.

Staff alleged that in contravention to 47 C.F.R. 76.933(a), Time Warner implemented an increase in a basic service rate prior the expiration of the Tolling Period of the FCC Form 1210 in BPU Docket No. CR95050233. On June 14, 1995, the Board issued a Tolling Order, which stayed the implementation of the proposed increase in the basic service rate from \$8.54 to \$8.72 for a period of ninety (90) days. On July 1, 1995, however, Time Warner implemented a new rate of \$8.72, when it was only permitted to charge a maximum permitted rate of \$8.54 for basic service.

In order to expeditiously dispose of the matter without a formal proceeding being instituted by the Board or Office, Time Warner submitted an Offer of Settlement in the amount of \$1,000 in order to resolve all issues concerning the alleged violation. Additionally, the rate differential arising from the premature implementation of the increase in the basic rates has been adjusted through the true-up mechanism of Time Warner's subsequent, amended FCC Form 1240 filings.

Time Warner has also represented that it has taken the necessary corrective action to insure that the alleged violation does not occur in the future. The Office recommends acceptance of the \$1,000 Offer of Settlement based on the aforementioned commitment by Time Warner.

The Board has reviewed the matter and the recommendations of the Office, and **HEREBY FINDS** them to be reasonable. Therefore, the Board **HEREBY ACCEPTS** the Offer of Settlement proffered by Time Warner subject to the following provisions:

1. Time Warner will tender the \$1,000 settlement payment within fifteen (15) days of the date of the Board Order.
2. The acceptance of the Offer of Settlement is for the purpose of this proceeding only and shall not be construed as limiting the Board's authority in any other matter affecting Time Warner.
3. For the purposes of assessing penalties for future offenses by Time Warner, such future offenses shall be considered subsequent offenses, in accordance with N.J.S.A. 48:5A-51(b).

DATED: April 10, 2000

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

HERBERT H. TATE  
PRESIDENT

(signed)

CARMEN J. ARMENTI  
COMMISSIONER

(signed)

FREDERICK F. BUTLER  
COMMISSIONER

ATTEST:

(signed)

EDWARD D. BESLOW  
ACTING SECRETARY